IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929
WP(C).No. 21092 of 2007(J)

PETITIONER:

1. P.P.RAMACHANDRAN,
S/O.M.BALAKRISHNAN NAIR, 'SREEDEVI',
PULLIPARAMBIL HOUSE, CHELAMBRA GRAMA PANCHAYATH,
THENJIPPALAM TALUK, MALAPPURAM DISTRICT.

2. P.V.SREEDEVI, W/O.P.P.RAMACHANDRAN,
-DO- -DO-

BY ADV. SRI.DINESH R.SHENOY
SMT.P.N.SUMANGALA

RESPONDENTS:

1. THE CIRCLE INSPECTOR OF POLICE,
O/O THE CIRCLE INSPECTOR OF POLICE,
THIRURANGADI, MALAPPURAM DISTRICT.

2. THE SUB INSPECTOR OF POLICE,
THENJIPPALAM POLICE STATION,
THENJIPPALAM, MALAPPURAM DISTRICT.

3. SHABEER ALI, (PANCHAYATH PRESIDENT),
CHELAMBRA GRAMA PANCHAYATH, POONATTIL HOUSE,
PULLIPARAMBU P.O., CHELAMBRA, MALAPPURAM DISTRICT.

4. DILEEP KUMAR, KUZHAPPATHADI HOUSE,
MEMBER WARD NO.16,
CHELAMBRA GRAMA PANCHAYATH,
MALAPPURAM DISTRICT.

5. MOHAMMED HAJI, MEMBER, CHELAMBRA GRAMA
PANCHAYATH, KAKKATTU HOUSE, PULLIPARAMBU P.O.,
CHELAMBRA, MALAPPURAM DISTRICT.

6. FASARULLA, MEMBER, WARD NO.15,
CHELAMBRA GRAMA PANCHAYATH,
PULLIPARAMBU P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.V.V.SURENDRAN
SRI. K.V. MANOJ, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE PHOTOCOPY OF SALE DEED NO. 1562/1998, THENJIPPALAM S.R.O.

EXT.P2: TRUE PHOTOCOPY OF BASIC TAX RECEIPT NO. 7204609.

EXT.P3: TRUE PHOTOCOPY OF BUILDING TAX RECEIPT NO. 07 DATED 08.02.2007.

EXT.P4: TRUE PHOTOCOPY OF THE COMPLAINT DATED 07.07.2007 SUBMITTED BY THE PETITIONERS BEFORE THE RESPONDENTS 1 AND 2.

EXT.P5: TRUE PHOTOCOPY OF THE ORDER DATED 10.04.2007 PASSED BY THE HONOURABLE HIGH COURT IN W.P.(C) NO. 12212/2007.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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W.P.(C) NO. 21092 OF 2007

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Dated this the 19th day of July, 2007.

JUDGMENT

Kurian Joseph,J

The writ petition is filed with the following prayer:

> A writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 and 2 to give effective and adequate police protection to the petitioners in the matter of their lives and in the matter of their properties mentioned in Exhibits P1 to P3, against the threats, violence, physical assault and tresspass committed by respondents 3 to 6 and their followers.

On 09.07.2007 this Court passed the following interim order

"Urgent notice by special messenger. Interim relief as prayed for is granted without prejudice to the right of the Panchayat in acquiring the property by due process of law."

A counter affidavit is filed by respondents 3 to 6. It is stated in the counter affidavit that the road under dispute is a necessity and in case the road is to be completed under the Nabard scheme a minimum width of 8 meters is necessary. It is also submitted that a popular committee was formed and except the petitioner all others have surrendered their land so as to have the required width. It is very clearly stated in the counter affidavit that the respondents have no idea to take the property of the petitioner forcibly or do any high-handed act. The respondents pray that they may be granted liberty to pursue the petition regrading the moral obligation to surrender their

land in public interest. Since there is a popular committee and only a few among them are on the party array, we dispose of the writ petition in terms of the interim order referred to above, however, making it clear that the judgment shall not stand in the way of the respondents making efforts to pursue the petition by peaceful means for settlement.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

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